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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,602	10/05/2001	John M. Skidgel	SF036001	4610
7590	10/04/2005		EXAMINER	
Dr. Xin Wen 2800 Bridge Parkway Redwood City, CA 94065			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/972,602	SKIDGEL ET AL.
	Examiner	Art Unit
	Peter K. Huntsinger	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10, 12-28 and 30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 12-28 and 30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 12 July 2005 has been entered in full.
2. Based on the applicant's amendment, the objection to the numbering of claims 22-30 has been withdrawn.

Response to Arguments

3. Applicant's arguments filed 12 July 2005 have been fully considered but they are not persuasive.

Applicant argues on page 8 of the remarks, that:

There is no disclosure of a Boolean search.

- a. Official Notice was taken that it was well known and obvious to use Boolean operators in a search. Synder et al. US Patent 6,038,561 is cited to demonstrate a Boolean search of digital images. Synder et al. disclose a search engine capable of searching images with Boolean operators (col. 2, lines 57-64). Yokomizo et al. and Synder et al. are combinable because they are from the same field of image processing. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to search images utilizing Boolean operators. The motivation for doing so would have been to allow searching in a standard format widely available. Further, Boolean searching is used in most online search engines.

There is no disclosure of generating a preview page adapted to show an image-based product incorporating a selected image process in accordance with user-based image preferences.

b. Yokomizo et al. disclose a preview region (computer 66 of Fig. 6, col. 11-12, lines 66-67, 1-3) adapted to show an image-based product incorporating a selected image processed in accordance with user-based and image-preferences (col. 12, lines 4-10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 16, 20-22, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. U.S. Patent 6,522,418, Kusama et al. U.S. Patent 6,886,131 and Synder et al. U.S. Patent 6,038,561.

Referring to claim 1, Yokomizo et al. disclose receiving the digital images over a network (col. 6, lines 23-28). Yokomizo et al. do not disclose expressly organizing images by associating keywords. Kusama et al. disclose a method for organizing digital images on a computer (database of Fig. 25), comprising associating at least one

searchable keyword with each digital image to support a subsequent search for one or more selected digital images (col. 8, lines 7-11) and wherein the at least one searchable keyword includes one or more of the following: an event keyword, a people keyword, and a location keyword (Fig. 7, col. 8, lines 5-15). Yokomizo et al. and Kusama et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the image ordering system of Yokomizo et al. to contain associated keywords. The motivation for doing so would have been to make the images more easily manageable. Yokomizo et al. do not disclose expressly performing a Boolean search. Synder et al. disclose a search engine capable of searching images with Boolean operators (col. 2, lines 57-64). Yokomizo et al. and Synder et al. are combinable because they are from the same field of image processing. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to search images utilizing Boolean operators. The motivation for doing so would have been to allow searching in a standard format widely available. Further, Boolean searching is used in most online search engines.

Referring to claim 2, Yokomizo et al. disclose the computer is a server (webserver 9 of Fig. 1, col. 4, lines 30-32), further comprising displaying the digital images at a client computer remotely coupled to the server (col. 9, lines 23-29).

Referring to claim 3, Yokomizo et al. disclose uploading the one or more digital images from a client computer to the server over the network (col. 9, lines 25-34).

Referring to claim 4, Yokomizo et al. disclose generating thumbnail images from the digital images (col. 9, lines 16-22).

Referring to claim 5, Kusama et al. disclose the searchable keyword includes an event keyword (Fig. 7, col. 8, lines 5-15). The example “beach-toys” gives a description of what the event in the image relates to.

Referring to claim 6, Kusama et al. disclose the searchable keyword includes a people keyword (Fig. 7, col. 8, lines 5-15). The example “children” gives a description that can identify those in the picture.

Referring to claim 7, Kusama et al. disclose the searchable keyword includes a location keyword (Fig. 7, col. 8, lines 5-15). The example “beach” gives a description of the location of the image.

Referring to claim 8, Kusama et al. disclose the at least one searchable keyword includes two or more of the following: an event keyword, a people keyword, and a location keyword (Fig. 7, col. 8, lines 5-15).

Referring to claim 9, Kusama et al. disclose organizing the digital images based on the searchable keyword (Fig. 24, col. 1, lines 30-36).

Referring to claim 16, Kusama et al. disclose associating image layout information with each digital image (col. 15, lines 23-26).

Referring to claim 20, Yokomizo et al. disclose a user interface (user terminal, col. 5, lines 37-41) for one or more digital images stored in a remote computer (webserver 9 of Fig. 1, col. 4, lines 30-32), comprising: a display region adapted to render the one or more digital images (col. 9, lines 23-29), and to render a preview page

adapted to show an image-based product incorporating a selected image processed in accordance with user-based and image-preferences (col. 12, lines 4-10). Yokomizo et al. do not disclose expressly organizing images by associating keywords. Kusama et al. disclose organizing one or more digital images (database of Fig. 25), each image being associated with one or more searchable keywords (Fig. 7, col. 8, lines 5-15); and a search region adapted to receive one or more searchable keywords to locate one or more digital images matching the one or more searchable keywords (col. 8, lines 7-11). Yokomizo et al. and Kusama et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the image ordering system of Yokomizo et al. to search using associated keywords. The motivation for doing so would have been to make the images more easily manageable. Therefore, it would have been obvious to combine Kusama et al. with Yokomizo et al. to obtain the invention as specified in claim 20.

Referring to claim 21, Kusama et al. disclose the one or more searchable keywords include one or more of the following: an event keyword; a people keyword; and a location keyword (Fig. 7, col. 8, lines 5-15).

Referring to claim 22, Yokomizo et al. disclose the display region shows image, user-preference, capture, adjustment or image specific information (col. 9, lines 23-29).

Referring to claims 25 and 31, Yokomizo et al. disclose a preview region adapted to show an image-based product incorporating a selected image processed in accordance with user-based and image-preferences (col. 12, lines 4-10).

Referring to claim 26, Yokomizo et al. disclose a frame adapted to display selected images while a user navigates between functional areas (col. 19, lines 54-58).

Referring to claim 27, Yokomizo et al. disclose a system, comprising a network (col. 5, lines 1-4); a server (webserver 9 of Fig. 1. col. 4, lines 30-32) adapted to receive one or more digital images over the network (col. 6, lines 23-28) and generating a preview page adapted to show an image-based product incorporating a selected image processed in accordance with user-based and image-preferences (col. 12, lines 4-10); and a client computer adapted to upload the one or more digital images to the server over the network (col. 9, lines 30-34). Yokomizo et al. do not disclose expressly organizing images by associating keywords. Kusama et al. disclose receiving and associating at least one searchable keyword with each digital image to allow a subsequent search for the digital image (col. 8, lines 7-11), and a client computer allowing a user to search and view one or more selected digital images based on the at least one searchable keyword (col. 8, lines 7-11) and wherein the at least one searchable keyword includes one or more of the following: an event keyword, a people keyword, and a location keyword (Fig. 7, col. 8, lines 5-15). Yokomizo et al. and Kusama et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the image ordering system of Yokomizo et al. to search using associated keywords. The motivation for doing so would have been to make the images more easily manageable. Yokomizo et al. do not disclose expressly performing a Boolean search. Synder et al. disclose a search engine capable of searching images

with Boolean operators (col. 2, lines 57-64). Yokomizo et al. and Synder et al. are combinable because they are from the same field of image processing. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to search images utilizing Boolean operators. The motivation for doing so would have been to allow searching in a standard format widely available. Further, Boolean searching is used in most online search engines.

Referring to claim 28, Yokomizo et al. disclose the server generates thumbnail images from the digital images (col. 9, lines 16-22).

6. Claims 10, 13-15, 17, 18, 23, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. U.S. Patent 6,522,418, Kusama et al. U.S. Patent 6,886,131 and Synder et al. U.S. Patent 6,038,561 as applied to claim 1 above, and further in view of Loui et al. U.S. Patent 6,813,618.

Referring to claim 10, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly grouping the images into albums based on the searchable keywords. Loui et al. disclose grouping the digital images into one or more albums based on the searchable keyword (col. 2-3, lines 60-67, 1-3). Yokomizo et al., Kusama et al., and Loui et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to group images of Yokomizo et al. into albums based on the searchable keywords. The motivation for doing so would have been to allow the user to organize similar images into one album. Therefore, it

would have been obvious to combine Loui et al. with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 10.

Referring to claims 13 and 23, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly displaying a thumbnail of the images matching the keyword. Loui et al. disclose displaying a thumbnail of each digital image matching the at least one searchable keyword (step 86 of Fig. 10, col. 9, lines 6-11). Yokomizo et al., Kusama et al., and Loui et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to display a thumbnail of each image matching the keyword. The motivation for doing so would have been to display the images to the user in a fast and efficient manor. Therefore, it would have been obvious to combine Loui et al. with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 13.

Referring to claims 14 and 24, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly displaying a title with each image. Loui et al. disclose displaying an image title with each digital image matching the at least one searchable keyword (27 of Fig. 3, col. 5, lines 42-49). An annotation is a generic term that includes a title, comments, and a description. Yokomizo et al., Kusama et al., and Loui et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to display a title of each image matching the keyword. The motivation for doing so would have been to allow the user to easily

recognize images based on their title. Therefore, it would have been obvious to combine Loui et al. with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 14.

Referring to claim 15, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly displaying an album matching the keywords. Loui et al. disclose displaying an album containing one or more digital images matching the at least one searchable keyword (col. 9, lines 40-47). Yokomizo et al., Kusama et al., and Loui et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to display an album matching the keyword. The motivation for doing so would have been to allow the user to easily find an album from searching keywords. Therefore, it would have been obvious to combine Loui et al. with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 15.

Referring to claim 17 and 30, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly distributing each image matching the keyword. Loui et al. disclose electronically distributing each digital image matching the at least one searchable keyword (step 86 of Fig. 10, col. 9, lines 6-11). For displaying the images to the user, it would be inherent that the images would need to be electronically distributed over the network. Yokomizo et al., Kusama et al., and Loui et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a

person of ordinary skill in the art to distribute each image matching the keyword. The motivation for doing so would have been to be able to display the images to the user. Therefore, it would have been obvious to combine Loui et al. with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 17.

Referring to claim 18, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly generating a preview of each image matching a keyword. Loui et al. disclose generating a preview of each digital image matching the at least one searchable keyword (step 86 of Fig. 10, col. 9, lines 6-11). Yokomizo et al., Kusama et al., and Loui et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to display a preview of each image matching the keyword. The motivation for doing so would have been to allow the user to view the images. Therefore, it would have been obvious to combine Loui et al. with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 18.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. U.S. Patent 6,522,418, Kusama et al. U.S. Patent 6,886,131, and Synder et al. U.S. Patent 6,038,561 as applied to claim 1 above, and further in view of Taylor U.S. Patent 5,832,497.

Referring to claim 12, Kusama et al. disclose performing a search based on the at least one searchable keyword (col. 8, lines 5-15). Kusama et al. do not disclose utilizing a subsequent search using the first results. Taylor discloses using a result from

a first search in formulating a subsequent search (col. 7, lines 38-42). Yokomizo et al., Kusama et al., and Taylor are combinable because they are from the same field of computer systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to perform a subsequent search using the prior search results. The motivation for doing so would have been to allow the user to further narrow the search field. Further, using prior search results in a subsequent search is used in most online search engines. Therefore, it would have been obvious to combine Taylor with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 12.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. U.S. Patent 6,522,418, Kusama et al. U.S. Patent 6,886,131 and Synder et al. U.S. Patent 6,038,561 as applied to claim 1 above, and further in view of Balogh et al. U.S. Patent 5,493,677.

Referring to claim 19, Kusama et al. disclose images with searchable keywords (Fig. 7, col. 8, lines 5-15). Kusama et al. do not disclose expressly accepting an order for each image matching a keyword. Balogh et al. disclose accepting an order for each digital image matching a search (col. 3, lines 6-10). Yokomizo et al., Kusama et al., and Balogh et al. are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to order each image matching a search as disclosed by Balogh et al. with the searchable keyword system of the combination of Yokomizo et al. and Kusama et al. The motivation for doing so would have been to allow the user to order prints of images

that match their interest. Therefore, it would have been obvious to combine Balogh with Yokomizo et al. and Kusama et al. to obtain the invention as specified in claim 19.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PKH

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